United Nations A/66/368

General Assembly

Distr.: General
19 September 2011

Original: English

Sixty-sixth session
Agenda item 144
Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2012-2013

Report of the Secretary-General

Summary

The present report contains the resource requirements for the biennium 2012-2013 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

The resources for the biennium 2012-2013 before recosting amount to $174,318,200 gross ($157,938,900 net), and reflect a decrease in real terms of $83,485,900 gross, or 32.4 per cent ($77,388,500 net, or 32.9 per cent), compared to the revised appropriation for the biennium 2010-2011.

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I. Overview

1. The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 was established by the Security Council in its resolution 955 (1994) of 8 November 1994. According to articles 2, 3 and 4 of its statute, the Tribunal has been empowered to prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and of neighbouring States between 1 January and 31 December 1994. In accordance with article 10 of its statute, the Tribunal consists of three organs, namely, the Chambers, the Office of the Prosecutor and the Registry.

2. In its resolution 1329 (2000), the Security Council expressed its continuing conviction that, in the particular circumstances of Rwanda, the prosecution of persons responsible for genocide and other serious violations of international humanitarian law contributed to the process of national reconciliation, and to the restoration and maintenance of peace in Rwanda and in the region.

3. The Security Council, in its resolutions 1503 (2003), called upon the Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010 (the completion strategy). In its resolution 1534 (2004), the Council again emphasized the importance of implementing fully the completion strategy of the Tribunal.

4. Consequently, the Tribunal developed its completion strategy, which comprises two main pillars: (a) the fair and expeditious completion of trials at the Tribunal, in accordance with the deadlines set in Security Council resolutions 1503 (2003) and 1534 (2004), of those who bear the greatest responsibility for the crimes committed in 1994; and (b) the transfer of selected cases for trial to competent national jurisdictions. On 12 May 2011, the latest version of the completion strategy was submitted for the consideration of the Security Council (S/2011/317, enclosure), in which the Tribunal provided an update on the progress towards the completion of its work. The report demonstrates that the Tribunal has almost completed all its work at the trial level.

5. In its resolution 1966 (2010), the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals ("the Mechanism") with two branches, the Arusha Branch commencing operations in 1 July 2012 and the Hague Branch commencing on 1 July 2013. In the resolution, the Council further called upon the Tribunal to complete its work by 2014. The present request for resources of the Tribunal for the biennium 2012-2013 has been developed taking into account the work that will be assumed by the Arusha Branch of the Mechanism as well as the associated resource requirement in the biennium 2012-2013.

6. In preparing the budget proposals for both the Tribunal and the Mechanism, the Tribunal held intensive consultations and dialogues with the International Tribunal for the former Yugoslavia, the Office of Legal Affairs, the Office of Programme Planning, Budget and Accounts, the Office of Human Resources Management, and the Office of Central Support Services to ensure that the resource

requirements of both the Tribunal and the Mechanism are well harmonized for consistency and complementarities. The strategic functions that could be merged and/or shared have been identified and the Tribunal will provide substantive support to the Mechanism.

7. The budget of the Tribunal for the biennium 2010-2011 was based on projections that all trials in the first instance would have been completed by 30 June 2011. However, the pace at which the Tribunal has completed trials has not matched those projections. Consequently, the Tribunal projects to conduct three trials of contempt of court and falsification of evidence during the biennium 2012-2013 as well as two genocide trials of *Uwinkindi* and *Munyagishari* in the event that the Prosecutor's applications for referral of those cases to Rwanda are unsuccessful.

8. The Referral Chamber decision, granting the Prosecutor's application for the referral of the case of *Uwinkindi* to Rwanda in terms of rule 11 bis of the Rules of Procedure and Evidence was handed down on 28 June 2011 and the defence has filed an appeal against the decision. A similar application is also expected to be filed in respect of Bernard Munyagishari, who was arrested in the Democratic Republic of the Congo on 25 May 2011 and subsequently transferred to the Tribunal. Should the defence appeal against the Referral Chamber decision be successful and the Appeals Chamber reverses the referral order, both accused will have to be tried by a Trial Chamber at the Tribunal during 2012. In this regard, the Tribunal is including requests for the relevant resources for the two trials.

9. Trial judgements have also been handed down in the multi-accused trials of *Ndindiliyimana et al.* ("Military II") (involving four accused) and *Nyiramasuhuko et al.* ("Butare") (involving six accused persons) resulting in the conviction of all 10 accused persons. Judgements are still expected in two other multi-accused trials of *Biyimungu et al.* ("Government II") (involving four accused) and *Karemera et al.* (involving two accused) as well as four single-accused trials from the middle to the end of 2011. Two more single-accused trial judgements are expected during the first half of 2012. Both the anticipated and already delivered trial judgements are expected to significantly increase in the appeals workload for the biennium 2012-2013. There remain, also, nine fugitives at large whom the Office of the Prosecutor must track and arrest during the biennium 2012-2013. Simultaneously with its tracking activities, the Office of the Prosecutor continues to look for competent national jurisdictions to which to refer the cases of six of the nine fugitives. In terms of Security Council resolution 1966 (2010), the Office of the Prosecutor must hand over the function of tracking fugitives to the Arusha Branch of the Residual Mechanism effective 1 July 2012. However, prior to the handover, the Office of the Prosecutor must update and prepare the files of the six fugitives and apply for their referral to national jurisdictions, and hand over to the Residual Mechanism the cases that will remain after 30 June 2012.

10. The Tribunal expects to complete the five trials projected for the biennium 2012-2013 at the latest by December 2012. It also expects that the biennium 2012-2013 will be its busiest period in terms of appeals as there will be prosecution and defence of at least 40 appeals. This heavy workload is expected to place a significant demand on the resources currently available to the Tribunal.

11. Lessons learned from the budgets of previous bienniums have been consistent in indicating that a number of factors cause delays in trials. In many cases, the delays have proven that the resources granted on the basis of projections in the

judicial calendar are often inadequate. Immediately before the beginning of the biennium 2010-2011, the completion strategy of the Tribunal had anticipated that judgement drafting in respect of the cases of 25 accused persons and trials of a further 6 accused persons would be completed by the end of 2010. On this basis, a number of posts were abolished in anticipation that the overall workload of the Tribunal would decrease at the end of 2010 on completion of all trials in the first instance. However, unexpected circumstances arose that caused an increase in the actual workload.

12. The arrest of fugitives such as *Ndahimana* and *Nizeyimana* in the second half of 2009 and Jean Uwinkindi in June 2010, translation delays and the occasional unavailability of judges because of their simultaneous sitting on multiple trials caused significant delays in the trial process. When such delays occurred, there were often insufficient resources to continue with the trials. As a result, not all trials were completed by the end of 2010 as had been projected. While posts had been abolished in anticipation of the completion of trials, the trial workload remained and sometimes increased. This increase in workload, combined with a diminished workforce, has contributed to further delays that have caused some trials to spill over significantly into 2011.

13. The trial work that remains to be done during the biennium 2012-2013 will be the trial of three cases of contempt and falsification of evidence and the potential two trials of *Uwinkindi* and *Munyagishari*. In addition, the Office of the Prosecutor will prepare the cases of six fugitives that are earmarked for referral to national jurisdictions.

14. For two successive bienniums, the completion of trials has not coincided with projections made in the judicial calendar at the time the budget proposals were submitted. Every trial has an element that falls outside the control of the Tribunal, such as the postponement of proceedings because the accused is too sick to attend his or her own trial, or the death of the defence counsel or a major technical legal issue that impacts negatively on the fair trial rights of the accused person. These unexpected factors contributing to trial delays were not taken into account in the projections and decisions to abolish posts which are otherwise required for the completion of the trials. Initial projections indicated that the *Ngirabatware* trial would be completed before the end of 2009, on the basis of which posts were reduced. However, the current projection is that it is expected to be completed by March 2012. Other trials that fall in this class include the multi-accused trial of *Karemera et al.* and the single-accused trial of *Nzabonimana*. The hearing of evidence in the multi-accused trial of *Karemera et al.*, involving two accused persons, is complete and closing briefs were filed in June 2011. The oral arguments were heard at the end of August 2011 and judgement is expected by the end of the year.

15. The Office of the Prosecutor has continued its efforts to find national jurisdictions that are willing to accept the referral of cases from the Tribunal. These efforts have not been successful, largely because of the complexity of the cases, the cost of trying them and jurisdictions limitations in most countries, particularly in the sub-Saharan region. The Prosecutor has recently visited several developed countries with a fresh plea that they assume the responsibility of accepting cases referred by the Tribunal, in conformity with Security Council resolution 1966 (2010), in which

the Council called upon all States to cooperate to the maximum extent possible in order to receive referred cases.

16. The tracking and arrest of the remaining nine fugitives remains one of the top priorities of the strategy of the Prosecutor. The Tracking Team of the Office of the Prosecutor has intensified the tracking of fugitives. However, the major challenge has been the lack of cooperation from the States where fugitives are suspected to be at large. That lack of cooperation persists in spite of previous calls by the Security Council upon those and other States to cooperate in this regard. The recent call by the Security Council, in its resolution 1966 (2010), especially upon States where fugitives are suspected to be at large is yet another opportunity that the Office of the Prosecutor is exploring. At the time of finalizing the present report, a number of signs indicate that the hard work and efforts of the Tribunal may deliver some of the desired results. It is, however, not foreseen that, if there are further arrests during 2011, they will involve all nine fugitives. The strategy of the Prosecutor is to further intensify the tracking of fugitives in the biennium 2012-2013 with the aim of drastically reducing the number of fugitive files handed over to the Residual Mechanism.

17. In November 2008, the Office of the Prosecutor hosted representatives of national prosecuting authorities, with a view to ensuring that the fight against impunity continues beyond the closure of the Tribunal and the suspects of the Rwandan genocide of 1994 do not escape accountability just because of the Tribunal's impending closure. That initiative spawned numerous investigations for prosecution or extradition of Rwandan suspects in the diaspora and strengthened the partnership between the Office of the Prosecutor and national authorities who extensively rely on legal assistance from the Office. The Office of the Prosecutor will therefore continue to provide the services to, and support the efforts of, national prosecuting authorities until this function is assumed by the Residual Mechanism. Because of the high volume of requests for assistance from national authorities, the Prosecutor requires resources to maintain the service at the current level until it is handed over on 1 July 2012. The assistance provided by the Tribunal includes seeking variation and/or rescission of witness protection orders from the Trial and Appeals Chambers to enable the foreign Government to use them in the investigation and prosecution of Rwandan genocide suspects; doing research and analysis and providing evidence and other relevant information required by the national authorities for investigation and trial proceedings; requests for rule 70 clearances; and processing requests to interview detainees under the Prosecutor's Regulation No. 1 (1999).

18. Oral arguments were heard in the appeal against the first multi-accused trial judgement, the *Bagosora* case. As previously predicted, this case gave rise to a number of appeals. Two multi-accused judgements were rendered in the first half of 2011 and two remain to be delivered. The Trial Chamber in Government II will deliver judgement on 30 September 2011. Judgement in the last multi-accused trial, the *Karemera et al.* case is expected in December 2011. All these judgements, which involve 16 accused persons, are expected to produce in the region of 32 appeals during the biennium 2012-2013. The Office of the Prosecutor expects a further 10 or 12 appeals that will arise from the judgements expected in single-accused cases. The biennium 2012-2013 therefore would be the busiest in the history of the appeals cases at the Tribunal. The Prosecutor's strategy aims at completing all these appeals during the biennium 2012-2013.

19. The overall resources required for the biennium 2012-2013 for the Tribunal amount to $174,318,200 gross (or $157,938,900 net), before recosting, reflecting a decrease of $83,485,900 gross, or 32.4 per cent ($77,388,500 net, or 32.9 per cent), when compared with the revised appropriation for the biennium 2010-2011.

20. The Tribunal proposes the retention of 416 posts, representing a decrease through abolition of 212 posts, or 33.8 per cent (93 Professional and 119 General Service posts), over the current authorized staffing level of 628.

21. Based on the projected trial schedule for the biennium 2012-2013, it is anticipated that the abolition of the 212 posts mentioned above is scheduled in three phases: (a) two posts (1 P-3 and 1 P-2) effective 1 January 2012; (b) 64 posts (3 P-4, 7 P-3, 3 P-2, 16 General Service (Other level), 7 Security Service, 25 Local level and 3 Field Service) effective 1 July 2012; and (c) 146 posts (8 P-5, 15 P-4, 45 P-3, 10 P-2, 14 General Service (Other level), 3 Security Service, 49 Local level and 2 Field Service) effective 1 January 2013. However, to ensure that the Tribunal has the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that the 64 posts proposed for abolition effective 1 July 2012 be abolished as at 1 January 2012 instead, as reflected in table 3 below, and the related funding for the 64 posts, functions of which would continue through 30 June 2012, would be provided through general temporary assistance. This arrangement would enable the maintenance of critical functions in supporting the trials and enable the Tribunal the opportunity to more closely align staff requirements for servicing the trials during this critical period of the completion phase.

22. The Office of the Prosecutor proposes the retention of 78 posts (1 USG, 1 D-2, 1 D-1, 4 P-5, 21 P-4, 23 P-3, 10 P-2, 16 General Service (Other level), 1 Field Service). The difference includes the abolition of 41 posts: 12 posts (2 P-4, 3 P-3, 1 P-2 and 6 General Service (Other level)) effective 1 January 2012, and 29 posts (7 P-5, 7 P-4, 6 P-3, 5 P-2, 3 General Service (Other level) and 1 Local level) effective 1 January 2013.

23. The Registry proposes the retention of a total 338 posts (1 ASG, 2 D-1, 10 P-5, 37 P-4, 29 P-3, 25 P-2, 6 General Service (Principal level), 68 General Service (Other level), 38 Security Service, 112 Local level and 10 Field Service). The difference includes the abolition of 171 posts: 54 posts (1 P-4, 5 P-3, 3 P-2, 10 General Service (Other level), 7 Security Service, 25 Local level and 3 Field Service) effective 1 January 2012; and 117 posts (1 P-5, 8 P-4, 39 P-3, 5 P-2, 11 General Service (Other level), 3 Security Service, 48 Local level and 2 Field Service) effective 1 January 2013.

24. Included in the overall resource requirements are provisions for the continuation of the redaction and digitization of all audio-visual materials and archiving of the records of the Tribunal.

25. The recosting of the proposed budgetary provisions at 2012-2013 rates contained in the present report is preliminary. For salaries related to posts in the Professional and higher categories, adjustments reflect the projected movement of post adjustment indices in 2011. Similarly, with regard to General Service salaries, recosting includes the forecast of probable cost-of-living adjustments based on anticipated inflation rates. The same vacancy rates as approved in the context of the revised appropriations for the biennium 2010-2011 are proposed for the biennium 2012-2013 for continuing posts (15.1 per cent for Professional and 8.9 per cent for

General Service). No attempt is made to forecast the movement of the relevant currency vis-à-vis the United States dollar at this time. The proposed budget will be recosted in late 2011, based on the latest data on actual inflation experience, the movement of post adjustment indices in 2011, the outcome of salary surveys, if any, salary expenditure experience, and evolution of operational rates of exchange in 2011.

26. During the biennium 2012-2013, it is projected that no extrabudgetary resources would be mobilized to finance the ongoing flagship projects. The fund balance in the Trust Fund has been depleted, and no financial commitments from Member States and other potential donors have been received to date.

27. The distribution of resources proposed for the Tribunal for the biennium 2012-2013 is reflected in tables 1 to 3 below.

Table 1
Distribution of resources by component
(Percentage)

Component	*Assessed budget*	*Extrabudgetary*
A. Chambers	4.8	—
B. Office of the Prosecutor	22.0	—
C. Registry	65.6	—
D. Archives	7.6	—
Total	**100.0**	—

Table 2
Resource requirements by component
(Thousands of United States dollars)

(1) *Assessed budget*

Component	*2008-2009 expenditure*	*2010-2011 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2012-2013 estimate*
			Amount	*Percentage*			
A. Chambers	10 650.9	11 472.7	(3 186.9)	(27.8)	8 285.8	386.0	8 671.8
B. Office of the Prosecutor	61 257.6	55 918.5	(17 537.6)	(31.4)	38 380.9	1 443.1	39 824.0
C. Registry	213 453.8	183 584.0	(69 267.5)	(37.7)	114 316.5	5 533.7	119 850.2
D. Records management and archives	6 564.0	6 828.9	6 506.1	95.3	13 335.0	1 643.9	14 978.9
Total (gross)	**291 926.3**	**257 804.1**	**(83 485.9)**	**(32.4)**	**174 318.2**	**9 006.7**	**183 324.9**
Income							
Income from staff assessment	24 822.9	22 476.7	(6 097.4)	(27.1)	16 379.3	417.9	16 797.2
Total (net)	**267 103.4**	**235 327.4**	**(77 388.5)**	**(32.9)**	**157 938.9**	**8 588.8**	**166 527.7**

(2) *Extrabudgetary*

	2008-2009 expenditure	*2010-2011 estimate*	*2012-2013 estimate*
Activities	1 439.3	748.5	—
Total	**1 439.3**	**748.5**	—
Total (1) and (2)	**268 542.7**	**236 075.9**	**166 527.7**

Table 3
Post requirements

Category	*2010-2011 revised appropriation*	*Proposed changes*		*Total 2012-2013*
		January 2012	*January 2013*	
Professional and above				
USG	1	—	—	1
ASG	1	—	—	1
D-2	1	—	—	1
D-1	3	—	—	3
P-5	22	—	(8)	14
P-4/3	181	(11)	(60)	110
P-2/1	49	(4)	(10)	35
Subtotal	**258**	**(15)**	**(78)**	**165**
General Service and other				
Principal level	6	—	—	6
Other level	114	(16)	(14)	84
Security Service	48	(7)	(3)	38
Local level	186	(25)	(49)	112
Field Service	16	(3)	(2)	11
Subtotal	**370**	**(51)**	**(68)**	**251**
Total	**628**	**(66)**	**(146)**	**416**

II. Programme of work and resource requirements

A. Chambers

28. The Trial Chambers of the International Criminal Tribunal for Rwanda currently comprise of 5 permanent trial judges and 11 ad litem judges in Arusha, United Republic of Tanzania. The Appeals Chamber consists of seven permanent appeals judges in The Hague, five of whom are financed from the International Tribunal for the former Yugoslavia and two are charged to the budget of the International Criminal Tribunal for Rwanda.

29. On 25 May 2011, the Tribunal, at its twenty-third plenary session elected Judge Khalida Rachid Khan (Pakistan) as the President of the Tribunal and Judge Dennis Byron (Saint Kitts and Nevis) as Vice-President, for a term of two years. As Judge Byron was to take up the position of President of the Caribbean Court of Justice on 1 September 2011 and continue part-time at the Tribunal, on 24 August 2011, the Judges elected Judge Vagn Joensen (Denmark) as Vice-President of the Tribunal.

30. On 12 May 2011, President Byron submitted the most recent version of the Tribunal's completion strategy to the Security Council (S/2011/317, enclosure). In it, he highlighted the challenges along the way, in the light of new and unforeseen circumstances.

31. On 6 June 2011, President Khan introduced the most recent version of the Tribunal's completion strategy, indicating that while progress had been made in the completion strategy, the new and unforeseen circumstances continued to pose a challenge to the strategy. She outlined the goal of completing most first-instance trials by the end of 2011, except for two cases projected to be completed in the first half of 2012 (see S/PV.6545).

32. At the time of the President's address to the Security Council on 6 June 2011, the Tribunal had completed the work at the trial level in respect of 62 of the 92 accused. These include 48 first-instance judgements involving 60 accused, 9 of which were guilty pleas, 2 were referrals to national jurisdictions, 2 were withdrawn indictments, and 2 were indictees who died prior to or in the course of the trial. Appellate proceedings have been concluded in respect of 35 cases. Thirty-six detainees are currently maintained at the United Nations Detention Facility in Arusha, of which 1 is awaiting trial, 20 are on trial, 9 are convicted persons awaiting appeal and 6 are convicted persons awaiting transfer to State(s) where they would serve their sentences.

33. In order to provide for the continuity necessary to achieve the completion strategy goals, and enable completion of the work at hand amid the new and unexpected challenges confronting the Tribunal, President Byron on 25 May 2010 wrote to the Security Council requesting the extension of the judicial mandate and the tenure of assignment of the judges (see S/2010/289). On 29 June 2010, the Council adopted resolution 1932 (2010), extending the terms of the existing permanent and ad litem judges who are members of the Trial Chamber to the end of December 2011, and two permanent judges who are members of the Appeals Chamber to 31 December 2012, or until the completion of the cases to which they are assigned to, if sooner, to enable them to complete the work at hand. On 14 December 2010, the Council, in its resolution 1955 (2010), decided to authorize: (a) the extension of one permanent judge and two ad litem judges to complete the cases which they had begun; and (b) the total number of ad litem judges serving at the Tribunal might from time to time temporarily exceed the maximum of 9 provided for in article 11, paragraph 1, of the statute of the Tribunal, to a maximum of 12 at any one time, returning to a maximum of 9 by 31 December 2011.

34. The projected workload of the Trial and Appeals Chambers for the biennium 2012-2013 is as follows:

(a) At the trial level:

- The *Nizeyimana* and *Ngirabatware* cases: these cases will be in the final judgement drafting phase in 2012, with expected judgement delivery by 31 March 2012
- Three contempt trials: where indictments have been issued or a Chamber has made a decision to prosecute an accused. It is estimated that these trials will be short, taking approximately three months for pretrial (provision of adequate time for the defence to mount its case), two months to complete the trial and two months for judgement writing
- Continuation of the *Uwinkindi* and *Munyagishari* trials should the rule 11 bis application for referral to Rwanda be denied
- Preservation of evidence proceedings: *Bizimana* and *Mpiranya* rule 71 bis proceedings will most likely continue into 2012
- Witness protection: lifting protective measures for at least 508 witnesses
- Pretrial proceedings for new arrests on or after 1 July 2011
- Updating files for six fugitives: the Prosecutor intends to submit indictment amendment applications for the remaining six fugitives. A judge and two Chambers staff will be required to review the applications

(b) At the appeals level:

- Hearings on appeals from judgement in 11 cases
- Appeal judgement delivery in 8 cases
- Interlocutory appeals, referral appeals, requests for review and reconsideration, and applications related to these matters

35. All judgements for the ongoing five trials are expected to be delivered by the end of 2011, with the exception of the *Nizeyimana* and *Ngirabatware* cases. This spillover into 2012 is due mainly to fair trial issues arising in both cases.

36. In the case of *Nizeyimana*, the defence required more time to prepare its closing arguments. Evidence in the case started in January 2011 and was completed in June 2011. A brief rebuttal hearing took place in early September 2011 and a rejoinder hearing is scheduled for 20 and 21 September 2011. Taking into account the time for the translation of the closing briefs, closing arguments are expected before the end of 2011. Furthermore, this case has had staffing problems. *Nizeyimana* is staffed with only one Associate Legal Officer, who joined the Tribunal only in February 2011. The team has already lost three Associate Legal Officers and does not have a Legal Officer yet assigned to it. Because of resource constraints, current legal officers can only be assigned to other cases once the cases they are assigned to are complete. For this reason, the trial would require staffing resources at the judgement drafting stage in order to handle the backlog of deliberations and drafting that was not completed due to very high attrition.

37. In the case of *Ngirabatware*, the spillover into 2012 is a result of fair trial issues such as a delay while a motion from the defence for the recusal of the bench was considered, the unexpected length of the accused's testimony, and an Appeals Chamber decision that granted the defence six more months to prepare.

Furthermore, two of the judges on the case are also assigned to *Nzabonimana* and Butare. The case also suffered from a very high attrition rate: it lost almost all of its legal team in 2010 and continued with only one Associate Legal Officer for five months until fall 2010, when another Associate Legal Officer was added. A Legal Officer arrived only in December 2010.

38. If the decision of the Referral Chamber granting the Prosecutor's rule 11 bis application to refer the case of *Uwinkindi* to Rwanda is overturned by the Appeals Chamber, there will be a need for trial capacity in 2012 in order to conduct the trial of the accused at the Tribunal. The Trial Chamber rendered a decision referring the *Uwinkindi* case to Rwanda in June 2011. The Appeals Chamber is expected to issue its decision around October 2011. Should the decision be overturned, this will leave a few months for the defence to prepare its case. However, an abridged pretrial period is expected since the pretrial activities (such as preparing an amended indictment) have been running concurrent to the rule 11 bis application. Therefore, it is estimated that the trial could start in early 2012 and hold closing arguments in mid- to late 2012. Based on past experience, judgement could be expected by December 2012, subject to changing variables such as fair trial requirements. The same will apply to the case of the recently arrested accused Bernard Munyagishari.

39. Pursuant to article 4 of the Transitional Arrangements of the statute of the International Residual Mechanism (see Security Council resolution 1966 (2010), annex II), the Tribunal shall have competence over proceedings for contempt of court and false testimony for which the indictment is confirmed prior to 1 July 2012. Based upon information provided by the Trial Chambers, there are at least three contempt cases that will begin in 2012. Each case requires a panel of three judges and legal support staff with the possibility of one panel being tasked with two cases.

40. The Prosecutor intends to submit indictment amendment applications for the remaining six fugitives who are to be transferred to national jurisdictions in order to prepare for rule 11 bis referral applications or rule 71 bis preservation of evidence hearings. These seven amended indictments will need to be reviewed extensively to bring them in line with the current case law. Furthermore, if any additions are made to the indictments by the Prosecutor, the underlying evidence for those new charges will have to be reviewed for sufficiency. A judge and two Chambers staff will be required to review the applications and issue decisions. It is imperative that the Tribunal conduct such a review, as the expertise has been developed through previous indictment reviews filed by the Prosecutor between 2007 and 2011. This institutional knowledge will allow for efficiencies to be realized leading to a shorter review of the amendment applications than might be possible within the Mechanism.

41. In 2012, the Chambers of the Tribunal will need to review hundreds of applications to lift protective measures on witnesses where the orders are found to be no longer necessary. Much of this work can be done prior to the start date of the Mechanism. As such, the Tribunal may hand over to the Mechanism a smaller volume of protected witnesses that need to be monitored leading to a smaller number of staff required in the Mechanism to manage protected witnesses. Moreover, any applications for review pursuant to rule 120, where a new fact has been discovered that was not known to a party at the time of proceedings before a Trial Chamber, will be heard before the Appeals Chamber.

42. Pursuant to article 1 of the Transitional Arrangements of the International Residual Mechanism, the Tribunal will be responsible for pretrial of fugitives arrested after 30 June 2011. Chambers would require additional resources to handle the intensive pretrial of those new arrests in order to hand over to the Mechanism a full case file that can begin immediately upon commencement of the Arusha Branch of the Mechanism. This will prevent down time at the Mechanism if the accused has an opportunity to challenge the indictment and investigate the case against him or her prior to the start of the Mechanism. In line with the completion strategy, if the Prosecutor submits a rule 11 bis application for referral, pretrial preparations made at the Tribunal will help to accelerate the application process. Further, for any pretrial or pending judicial matters, an extensive handover report would be prepared by the Tribunal for the Mechanism. This will greatly enhance the efficiency of the Mechanism from the beginning. The Tribunal has learned much about pretrial management and has steadily reduced the time required for these activities while upholding the highest rights of the accused.

43. Judicial requirements for the first four months of 2012 will be nine judges and will be reduced to seven from April 2012. This is down from 18 judges at the beginning of 2011. Three judges will continue in the *Ngirabatware* case until early April, three others will continue in the *Nizeyimana* case also until early April. Further, in early April, following the judgement delivery in *Ngirabatware*, one judge on the case will be transferred to the Appeals Chamber. Another judge on the *Nizeyimana* bench will most likely end his service at the end of that case.

44. There will be a need for judges for the three contempt cases — each case requires a panel of three judges. However, it is envisaged that one panel can complete two cases. Provision is also required for a panel of three judges each to sit on the *Uwinkindi* and *Munyagishari* trials should the rule 11 bis referral to Rwanda be denied. Moreover, there will be additional routine matters to handle, such as lifting witness protection orders and any pretrial for fugitives arrested on or after 1 July 2011. Given the above, it is estimated that seven judges can handle the judicial work from April 2012 if parallel assignments are made appropriately.

45. The statute of the Tribunal also requires that a President (elected out of the permanent judges of the Tribunal) be maintained. The statute and Rules apportion certain judicial decisions to the President such as examination of allegations of bias and transfer of convicts to a country to serve his or her sentence. Therefore, a President will need to be maintained until at least 1 July 2012, when the President may also be responsible for the Mechanism. However, there is a possibility that there will be no shared responsibility, in which case the President will need to be maintained until the Tribunal has no further work.

46. The projections in respect of appeal cases are as follows:

(a) *Kanyarukiga*: this case will be in deliberations and advanced judgement drafting phase in 2012. A judgement is projected to be delivered at the end of the first quarter of 2012;

(b) *Hategekimana*: this case will be in deliberations and judgement drafting phase in 2012. A judgement is projected to be delivered during the second quarter of 2012;

(c) *Gatete*: the appeals in this case will be heard in the first quarter of 2012, with deliberations and judgement drafting to follow. A judgement is projected to be delivered at the end of the third quarter of 2012;

(d) *Ndindiliyimana et al.* (Military II): the briefing in this case, involving four persons, will take place during 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the first quarter of 2013, with deliberations and judgement drafting to follow. A judgement is projected to be delivered in the third quarter of 2013;

(e) *Nyiramasuhuko et al.* (Butare): the briefing in this case, involving six persons, will take place during 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the second quarter of 2013, with deliberations and judgement drafting to follow. A judgement is projected to be delivered in 2014;

(f) *Bizimungu et al.* (Government II): the briefing in this case, involving four persons, will take place during 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the second quarter of 2013, with deliberations and judgement drafting to follow. A judgement is projected to be delivered in 2014;

(g) *Ndahimana*: the briefing in this case will take place during the first half of 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the third quarter of 2012, with deliberations and judgement drafting to follow. A judgement is projected to be delivered in the first quarter of 2013;

(h) *Ngirabatware*: the briefing in this case will take place during the second and third quarters of 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the fourth quarter of 2012, with deliberations and judgement drafting to follow. A judgement is projected to be delivered at the end of the second quarter of 2013;

(i) *Nzabonimana*: the briefing in this case is projected to conclude in the third quarter of 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the third quarter of 2012, with deliberations and judgement drafting to follow. A judgement is projected to be delivered at the end of the first quarter of 2013;

(j) *Karemera et al.*: the briefing in this case is projected to take place during 2012. This appeal, involving two persons, will be prepared for a hearing during the first two quarters of 2013 and it is projected to be heard by the end of the second quarter. Deliberations and judgement drafting will follow, with a judgement projected to be delivered in the first quarter of 2014;

(k) *Nizeyimana*: the briefing in this case is expected to conclude in the third quarter of 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the fourth quarter of 2012, with deliberations and judgement drafting to follow. A judgement is projected to be delivered at the end of the second quarter of 2013.

47. It should be borne in mind that a number of external factors beyond the Tribunal's control can and will have a major impact on the anticipated completion dates of trials, as reflected in the projected trial schedule. Should the actual trial schedule vary significantly with that used for the formulation of the 2012-2013 budget proposals, the requirements would be reassessed and realigned, and any additional requirements would have to be addressed in the context of revised estimates or of the performance reports for the biennium. The external factors that may impact these projections include: the insufficiency of support services for trials

and appeals, including translation services, which have a significant impact on the pace at which trials and appeals progress; the unavailability of witnesses and inevitable postponements, due mainly to fair trial issues that may lead to missing the completion target dates for trials and appeals; the non-cooperation or the delayed cooperation of Member States and non-governmental organizations with respect to the Tribunal's requests; an unexpected increase in the complexity of appeals, both interlocutory and appeals on merits; and the unavailability or serious illness or death of a judge, an accused or a defence counsel.

Outputs

48. During the biennium 2012-2013, the following outputs will be delivered:

(a) Judgements in the *Nizeyimana* and *Ngirabatware* cases, three contempt judgements and, should the rule 11 bis application be denied, two genocide judgements in the cases of *Uwinkindi* and *Munyagishari*;

(b) Completion of all pending rule 11 bis decisions and rule 71 bis depositions;

(c) Management: policy papers and directives, guidelines related to legal practice, annual reports, completion strategy reports, funding proposals and budget preparation; speeches, statements and briefings; and training of staff of the Chambers Support Section;

(d) Lifting protective measures for the remaining witnesses, and ongoing high-quality and timely legal support to the judges of the Tribunal.

49. At the Appeals Chamber, the programme of work for 2012-2013 is projected as follows. In 2012, three judgements are expected to be delivered (*Kanyarukiga, Hategekimana and Gatete*) and six appeals are expected to be heard (in the cases of *Gatete*, Military II, *Ndahimana, Ngirabatware, Nzabonimana and Nizeyimana*). In 2013, eight judgements would be delivered (in the cases of Military II, Butare, Government II, *Ndahimana, Ngirabatware, Nzabonimana, Karemera et al., and Nizeyimana*) and four appeals would be heard (Butare, Government II, *Karemera et al. and Uwinkindi*). In addition, the Appeals Chamber will also have to address all other appeals and requests lodged before it during 2012-2013, including interlocutory appeals, referral appeals, requests for review and reconsideration, and applications related to these matters.

Table 4
Resource requirements — Chambers

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Non-post	11 472.7	8 285.8	—	—
Total	**11 472.7**	**8 285.8**	—	—

50. The provision of $8,285,800, before recosting, representing a decrease of $3,186,900, or 27.8 per cent, would cover the compensation for the judges during the biennium as well as their travel requirements. The reduced requirements reflect the gradual decrease in the number of judges during the biennium, owing to the reduced level of trial activity. The net decrease in provision is attributable to: reduced requirements for pension in respect of retired/deceased judges ($286,000); reduced requirements for honoraria of judges on account of the decrease in the number of judges from the current total of 17 to 14 in 2012 and the further reduction to 6 permanent judges in 2013 ($3,098,700); decrease in travel of judges ($82,000); partially offset by the increase in the provision for compensation of judges on account of a one-time ex gratia payment to 8 ad litem judges in accordance with General Assembly resolution 65/258 ($279,800). The provisions for the salaries and allowances of judges have been calculated on the basis of the terms and conditions of service established by the General Assembly in accordance with its resolutions 63/259 and 65/258.

B. Office of the Prosecutor

51. The Office of the Prosecutor is responsible for the prosecution of people suspected of bearing the highest responsibility in the commission of genocide and other serious violations of international humanitarian law committed in the territory of the Republic of Rwanda in 1994 as well as Rwandans who are suspected of committing such acts in neighbouring territories between 1 January and 31 December 1994. The role and responsibilities of the Prosecutor consist of the investigation and prosecution of the crimes listed in articles 2, 3 and 4 of the statute of the Tribunal. The Prosecutor is therefore responsible for the collection of evidence establishing the commission of these crimes, the tracking and arrest of those he/she indicts and the presentation of charges and evidence against them before the Chambers of the Tribunal.

52. The Office of the Prosecutor expects to complete the four trials anticipated for the biennium 2012-2013 by December 2012. It also expects that the biennium 2012-2013 will be its busiest period, particularly for its Appeals and Legal Advisory Division, prosecuting and defending not less than 40 appeals during the biennium. This heavy workload is expected to place a high demand on the resources currently available to the Division.

53. With the exception of the potential trials of *Uwinkindi* and *Munyagishari* resulting from a denial of the referral applications, the Office of the Prosecutor will have completed all trials in the first instance by or before the end of 2011. The only other trial work that remains to be done during the biennium 2012-2013 will be the trial of two cases of contempt and falsification of evidence. In addition, the Office of the Prosecutor will prepare the cases of six fugitives that are earmarked for referral to national jurisdictions. For a referral to a national jurisdiction and the subsequent prosecution to be successful, it is important that the Prosecutor transmits to the national jurisdiction a complete and up-to-date file. Not only will this make it easier for the national jurisdiction to quickly understand and work with the file but it will cut down on the time that the national jurisdiction will spend on investigating the files. The benefit of reduced time translates into reduced cost for the national authority and a speedier disposal of the trial of the accused person whose case has been referred.

54. The bulk of the workload of the Office of the Prosecutor during the biennium 2012-2013 will be appeals, intelligence-gathering and tracking of fugitives, activities related to the closure of the Office, and the transition of some of its current functions to the Mechanism. The Office of the Prosecutor continues to make concerted efforts to complete the remaining workload by the time frame stipulated in Security Council resolution 1966 (2010).

55. Notices of appeal in the Military II case were filed by the Prosecutor, Ndindiliyimana and Nzuwonemeye on 20 July 2011. Sagahutu was granted an extension to file his notice of appeal later, only after receiving the French translation of the judgement. The Butare oral judgement was returned on 24 June 2011, and the written judgement was filed on 14 July 2011. The Trial Chamber judgement in Government II will be delivered orally on 30 September 2011. Judgement in the last multi-accused trial, the *Karemera et al.* trial, is expected by the end of 2011. All of these judgements, which involve 16 accused persons, are expected to produce some 32 appeals during the biennium 2012-2013. The Office of the Prosecutor expects an additional eight appeals that will arise from the judgements expected in single-accused cases where judgement has not yet been returned. An additional 13 appeals are currently pending before the Appeals Chamber; arguments and decisions in these pending appeals are anticipated either in the second half of 2011 or the first half of 2012. Further, the two contempt cases that the Office of the Prosecutor is expected to be a party, are expected to generate at least three additional appeals. And, if the Appeals Chamber reverses the Referral Chamber's decision allowing referral of the case of *Uwinkindi* to Rwanda, the Office of the Prosecutor expects that two to four additional appeals will be generated by the trial of that case and that of *Munyagishari*. Given this anticipated workload, the Prosecutor proposes to maintain the resources for appeals and reviews during the biennium 2012-2013 at the same levels as in the biennium 2010-2011.

56. The trials of the two fugitives who were arrested between August and October 2009 have commenced and are in progress. The trial of *Ndahimana*, which started towards the end of 2010, will be completed by end of September 2011. Delays in the *Nizeyimana* trial resulted in the commencement of the trial at the beginning of January 2011 instead of November 2010, as had been projected earlier. The projection is that the hearing of the evidence, including the delivery of closing arguments, is expected to be completed by early December 2011. The hearing of evidence in the *Nzabonimana* and *Ngirabatware* trials continues. These two trials started in 2009 and have proved to be among the most difficult to complete. Nevertheless, the Tribunal projects that they will be completed by November 2011, barring any unforeseen causes of further delays.

57. The Prosecutor has filed three applications for the referral of the cases of one detainee, Jean Uwinkindi, and two fugitives, Charles Sikubwabo and Fulgence Kayishema, to Rwanda for trial. Additionally, following the arrest of Bernard Munyagishari on 25 May 2011, an application for referral of this case to Rwanda will be filed by the Prosecutor. On 28 June 2011, the Trial Chamber granted the Prosecutor's request to refer the *Uwinkindi* case to Rwanda for trial. On 14 July 2011 the defence filed an appeal challenging the referral decision. Depending on the outcome of this appeal, the two pending rule 11 bis applications will be reactivated and would likely require additional briefing, and additional referral applications in *Munyagishari* and possibly other fugitive cases will be possible. It is projected that the appeal in the *Uwinkindi* case would be considered and disposed of by the

Appeals Chamber by November 2011. If the Appeals Chamber renders a decision against the referral of the case to Rwanda, then the cases of *Uwinkindi* and *Munyagishari* would have to be tried at the Tribunal, commencing in the first quarter of 2012. To ensure that the cases will be trial-ready and to enable the Tribunal to observe the accused's statutory fair trial rights, the Office of the Prosecutor is preparing the case files of *Uwinkindi* and *Munyagishari* for the eventuality. This preparation will also be of great assistance to Rwanda should the cases be referred to that national jurisdiction. The outcome of the application for the referral of the case of *Uwinkindi* to Rwanda will then determine whether the applications for the referral of the cases of *Bernard Munyagishari*, *Charles Sikubwabo* and *Fulgence Kayishema* should or should not succeed. Whatever the outcome in these applications, the Prosecutor has the obligation to prepare their files, together with the files of the other four fugitives whose cases are earmarked for referral to national jurisdictions, for handover to the Arusha Branch of the Mechanism.

58. The Office of the Prosecutor has relentlessly continued its efforts to find other national jurisdictions that are willing and adequately prepared to accept the referral of cases from the Tribunal. These efforts have not yielded the desired outcomes because of many challenges and constraints. The cost involved in trying a referral case seems to be the major deterrent to many national jurisdictions. Many countries willing to accept transfers, especially those that are in the region, do not have the financial capacity and cannot therefore afford the huge cost. The Prosecutor has been visiting a number of capitals in developed countries to deliver the plea that they should consider taking some of the cases. The terms of Security Council resolution 1966 (2010), in which the Council called upon all States to cooperate to the maximum extent possible in order to receive referred cases, presents an opportunity to the Prosecutor to further intensify the campaign to find States to which these cases can be referred. In addition to the cost challenge, the laws of many States would not allow them to receive referral cases. Some States have started to update their laws with the view to accepting the referral of cases. In some cases, this has not produced the desired results as the national courts have raised the issue of the prohibition against the retrospective operation of their laws.

59. The tracking and arrest of the remaining nine fugitives remains one of the top priorities of the strategy of the Prosecutor. The cases of three of the nine fugitives are top-priority cases earmarked for trial before the Tribunal. As reported previously, the Prosecutor has intensified the tracking of fugitives. However, the major challenge has been the lack of cooperation from Member States where fugitives are suspected to be at large, in spite of previous calls by the Security Council. The recent call by the Council, in its resolution 1966 (2010), upon States where fugitives are suspected to be at large is yet another opportunity that the Office of the Prosecutor is exploring. At the time of writing, there are indications that all the hard work and efforts may bear the desired fruit. If there are arrests at all during 2011, it is not foreseen that those arrests will involve all nine remaining fugitives. The strategy of the Prosecutor is to further intensify the tracking of fugitives in the biennium 2012-2013, with the aim of reducing the number of fugitive files handed over to the Mechanism in July 2012.

60. In November 2008, the Office of the Prosecutor held consultations with representatives of national prosecuting authorities with a view to ensuring that the fight against impunity continues beyond the closure of the Tribunal and the suspects

of the Rwandan genocide of 1994 do not escape accountability just because the Tribunal is closed. This initiative was an important seed that has grown and made the cooperation between national prosecuting authorities and the Office of the Prosecutor a very busy and mutually supporting activity. The Office of the Prosecutor will therefore continue to provide the services to and support the efforts of national prosecuting authorities until the time that this function is handed over to the Mechanism. Because of the high volume of requests for assistance from national authorities, the Prosecutor would require the current resources to be maintained at the current level until it is handed over on 1 July 2012.

61. As part of the Tribunal strategy of completing all its work before the deadline of December 2014, and to ensure a smooth transition to the Arusha Branch of the Mechanism, the Office of the Prosecutor will undertake the following during the biennium 2012-2013:

(a) Complete all trials that fall under its jurisdiction in terms of article 1, paragraph 2, and article 4, paragraph 1, of the Transitional Arrangements contained in annex II to Security Council resolution 1966 (2010);

(b) Continue to intensify intelligence-gathering and the tracking of the remaining nine fugitives with the view to effecting their arrest and surrender to the Tribunal. In this regard, the Office of the Prosecutor must update and prepare the investigation files of the nine fugitives for the handover to the Mechanism on 1 July 2012;

(c) Continue to look for national jurisdictions that are willing and adequately prepared to receive referral cases from the Tribunal, and to file and actively prosecute applications for the referral of relevant cases to national jurisdictions;

(d) Prepare the files of six of the remaining fugitives (i) for referral and handover to national jurisdictions as soon as Referral Chamber orders are obtained, and (ii) for transfer of the files of referral cases to the Arusha Branch of the Mechanism when it commences operations on 1 July 2012;

(e) Prosecute, defend and complete all appeals and reviews from final judgements as well as all interlocutory appeals;

(f) Contribute to the archiving of the collections of the Office of the Prosecutor;

(g) Continue the provision of services to the requests for assistance from national authorities, and update and prepare the files for handover to the Mechanism when it commences on 1 July 2012;

(h) Perform the necessary preparatory work for handing over of functions to the Arusha Branch of the Mechanism when it commences on 1 July 2012;

(i) Wind down, write relevant reports and close the Office of the Prosecutor of the Tribunal, preferably before 31 December 2014.

62. Appeals from final judgements in the following 11 cases will require both briefing and argument during the biennium 2012-2013:

(a) Butare;

(b) *Karemera et al.*;

(c) Government II;

(d) Military II;

(e) *Ndahimana*;

(f) *Ngirabatware*;

(g) *Nizeyimana*;

(h) *Nzabonimana*;

(i) *Sikubwabo*;

(j) *Uwinkindi*;

(k) *Kayishema*.

63. There are presently 17 cases and three rule 11 bis proceedings, involving a total of 33 accused, either pending or anticipated to be filed in the Appeals Chamber within the next year. If both defence and prosecution appeals are filed in these cases, the staff of the Appeals and Legal Advisory Division would be called upon to respond to or prosecute approximately 60 separate appeals from Trial Chamber judgements or sentences. Many of these appeals will be filed and are expected to remain active at or about the same time, thereby requiring separate appeals teams. Factors such as translation issues have to be borne in mind in estimating the time when resources dedicated to one appeal can be moved to another. For example, it is already foreseen that translation will delay briefing in *Hategekimana*. As a result, it likely will not be ready for argument or submission until mid-2012.

64. The Office of the Prosecutor anticipates three appeals arising from three rule 11 bis applications for the referral of three cases (*Uwinkindi*, *Kayishema* and *Sikubwabo*) to Rwanda. The Referral Chambers for *Kayishema* and *Sikubwabo* applications have essentially stayed their proceedings pending the Referral Chamber's decision on the *Uwinkindi* application and the appeal that is certain to follow. Because the Referral Chamber will either allow or deny the Prosecutor's application for referral, only one appeal is anticipated in *Uwinkindi*. It is anticipated that this appeal will be completed in the first half of 2012. When it is resolved, the two remaining rule 11 bis cases, *Kayishema* and *Sikubwabo*, will resume and likely require further briefing and argument before the Referral Chamber. It is expected that notices of appeal from the decisions of the Referral Chambers in the *Kayishema* and *Sikubwabo* cases likely will be filed on or after 1 July 2012, and therefore the Mechanism will have jurisdiction over those appeals.

65. Projections anticipate that there would be two contempt cases arising out of ongoing prosecutions. At least one indictment for contempt has been confirmed and the confirmation of the other one is expected soon. Indictments and trials of these potential cases will not likely commence until late 2011, with trials continuing into 2012. Any appeals generated by these cases would not likely be filed until after 1 July 2012, thus putting them within the jurisdiction of the Mechanism. It is likely that the staff of the Appeals and Legal Advisory Division would not have the capacity to "double hat" on these anticipated appeals because they are expected to arise at or about the same time as briefing in the substantive appeals is under way.

66. Based on previous and current experience, the Office of the Prosecutor estimates that it would be required to respond to approximately 28 applications for post-conviction review during the biennium 2012-2013. It is projected that approximately seven of these applications will be filed before 1 July 2012 and, thus, will be the responsibility of the Office of the Prosecutor. The remaining 21

applications will likely be filed on or after 1 July 2012 and, thus, will be the responsibility of the Mechanism. But the possibility exists for the Office of the Prosecutor staff in the Appeals and Legal Advisory Division to "double hat" on those post-conviction applications filed between 1 July 2012 and 31 December 2012, when the downsizing of the Division is anticipated to begin. However, from January to December 2013, it is unlikely that the staff of the Division will have the capacity to "double hat" on post-conviction applications filed during that period. Furthermore, these applications often are accompanied by defence motions, pursuant to rule 115, to present additional evidence on appeal. Therefore, investigative support is often required to adequately respond to them.

67. The function of dealing with requests from national authorities and related activities will be assumed by the Arusha Branch of the Mechanism effective 1 July 2012 and therefore the Office of the Prosecutor must continue to provide the service to national authorities during the first six months of the biennium preceding the commencement of the Arusha Branch to ensure a smooth handover of the function.

Table 5
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Tribunal: To implement the completion strategy and ensure the smooth transition to the International Residual Mechanism in accordance with the relevant Security Council resolutions

Expected accomplishments	Indicators of achievement
(a) Arrest of accused persons still at large	(a) Number of arrests
	Performance measures
	2008-2009: 4
	2010-2011 estimate: 4
	2012-2013 target: 4
(b) Accelerated disposition of cases	(b) (i) Number of trials under preparation
	Performance measures
	2008-2009: 9
	2010-2011 estimate: 2
	2012-2013 target: 10
	(ii) Number of accused at trial
	Performance measures
	2008-2009: 23
	2010-2011 estimate: 10
	2012-2013 target: 4

	(iii) Total number of prosecution witnesses *Performance measures* 2008-2009: 81 2010-2011 estimate: 180 2012-2013 target: 50 (iv) Total number of cases concluded (before judgement) *Performance measures* 2008-2009: 25 2010-2011 estimate: 15 2012-2013 target: 4
(c) Successful prosecution of accused persons	(c) Number of convictions (when judgements delivered) *Performance measures* 2008-2009: 12 2010-2011 estimate: 25 2012-2013 target: 8
(d) Facilitation of appeals to successful conclusion	(d) Number of appeals concluded *Performance measures* 2008-2009: 2 2010-2011 estimate: 7 2012-2013 target: 10
(e) Transfer of dossiers to national jurisdictions	(e) Number of dossiers transferred out of the Office of the Prosecutor *Performance measures* 2008-2009: 4 2010-2011 estimate: 25 2012-2013 target: 10

(f) Transfer of cases to national jurisdictions using rule 11 bis	(f) Number of cases transferred out of the Office of the Prosecutor *Performance measures* 2008-2009: 2 2010-2011 estimate: 4 2012-2013 target: 6

External factors

68. The Office is expected to meet its objectives and expected accomplishments on the assumption that: (a) witnesses are available; (b) the security and safety of witnesses are ensured in cooperation with national Governments; (c) Member States, non-governmental organizations and the international community remain supportive of the overall mission and vision of the Tribunal and cooperate in the arrest of indicted persons; (d) more Member States accept the referral of cases to their jurisdictions for trial; (e) trials are not handicapped by the serious illness of accused persons; and (f) Member States cooperate in the relocation and protection of witnesses.

Outputs

69. During the biennium 2012-2013, the following outputs will be delivered:

(a) The completion, in 2012, of the two contempt trials and two genocide trials of *Uwinkindi* and *Munyagishari*;

(b) The transfer of the cases of all six fugitives who are earmarked for transfer to national jurisdictions;

(c) The tracking and arrest of the nine remaining fugitives, including the tracking and arrest of the remaining three high-priority indicted fugitives, namely, Felicien Kabuga, Protais Mpiranya and Augustin Bizimana;

(d) The successful defence of all convictions and sentences that are challenged on appeal and review during the biennium;

(e) Investigation: witness and expert witness statements, summaries of witness interviews, witness schedules and protective measures for witnesses, intelligence related to suspects and fugitives, the collection of evidence relevant to trial support and trial preparation, reports on the arrest of fugitives, trials and appeals and requests for assistance; witness binders; unofficial translations and English summaries of documentation in the local language and indictment reviews;

(f) Prosecution: exhibits, witness summaries, extensive searches for relevant material to be disclosed to the defence, training courses, including legal issues, advocacy and legal opinions on issues of international law; filings related to the prosecution of cases and appeals, including indictments and amended indictments; motions, responses to defence motions, witness statements, opening briefs, closing briefs, sentencing briefs, appeals on the merits, interlocutory appeals, plea agreements, miscellaneous applications for subpoenas, search warrants, the detention of suspects and the transmission of arrest warrants;

(g) Management: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals and budget preparation; reports on the activities of States relevant to cooperation; press releases, speeches, statements and briefings; and training of staff of the Office of the Prosecutor.

Table 6
Resource requirements — Office of the Prosecutor

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Post	38 256.2	27 089.4	119	78
Non-post	11 184.0	6 875.8	—	—
Staff assessment	6 478.3	4 415.7	—	—
Total	**55 918.5**	**38 380.9**	**119**	**78**

Table 7
Post requirements — Office of the Prosecutor

		Proposed changes		
	2010-2011 revised appropriation	*Abolitions*		*Total 2012-2013*
Category		*January 2012*	*January 2013*	
Professional and above				
USG	1	—	—	1
D-2	1	—	—	1
D-1	1	—	—	1
P-5	11	—	(7)	4
P-4/3	62	(5)	(13)	44
P-2/1	16	(1)	(5)	10
Subtotal	**92**	**(6)**	**(25)**	**61**
General Service and other				
Other level	25	(6)	(3)	16
Local level	1	—	(1)	—
Field Service	1	—	—	1
Subtotal	**27**	**(6)**	**(4)**	**17**
Total	**119**	**(12)**	**(29)**	**78**

70. Resources under posts and staff assessment in the amount of $27,089,400 and $4,415,700, respectively, would provide for the retention of 78 posts, as reflected in table 7 above. The net decrease of $13,229,400 ($11,166,800 for posts and $2,062,600 for staff assessment) is due to: (a) the proposed abolition of 12 posts

(2 P-4, 3 P-3, 1 P-2 and 6 General Service (Other level)) effective 1 January 2012; (b) the proposed abolition of 29 posts (7 P-5, 7 P-4, 6 P-3, 5 P-2, 3 General Service (Other level) and 1 Local level) effective 1 January 2013; and (c) the removal of the first-year provision of the 23 posts abolished as at 1 January 2011 during the biennium 2010-2011.

71. However, based on the trial schedule, functions related to 12 posts (2 P-4, 3 P-3, 1 P-2 and 6 General Service (Other level)) would continue to be required through 30 June 2012. As indicated earlier, to ensure the Office of the Prosecutor the flexibility to accelerate or decelerate the phasing-out of individual posts, it is proposed that all these posts be abolished as at 1 January 2012, as reflected in table 7 above, but their related funding be provided through general temporary assistance. This would enable the Office of the Prosecutor to maintain of critical functions in supporting the trials through 30 June 2012.

72. The total non-post resources requested in the amount of $6,875,800, before recosting, reflecting a decrease of $4,308,200, would provide for general temporary assistance, fees and travel of consultants and expert witnesses, official travel of staff and operational expenses. The reduction is attributable mainly to the one-time provision for general temporary assistance during the biennium 2010-2011.

C. Registry

73. Pursuant to article 16 of the statute of the Tribunal, the Registry is responsible for the administration and servicing of the Tribunal. It is composed of three main organizational units, namely, the Immediate Office of the Registrar, the Judicial and Legal Services Division and the Division of Administrative Support Services. The resident auditor and investigator, while reporting directly to the Office of Internal Oversight Services, are reflected under the Registry for budgetary purposes.

74. During the biennium 2012-2013, the Registry will continue to support the implementation of the Tribunal completion strategy geared towards the expeditious completion of trials of top-level accused and the transfer of middle and lower-level cases to competent national jurisdictions.

75. Furthermore, the Registry will continue to play a key role in supporting the operations of the Arusha Branch of the Mechanism during the period that the two institutions will coexist in the biennium 2012-2013.

76. In pursuance of those objectives, the Registry, to ensure fairness by affording legal representation for indigent accused persons and humane treatment of detainees, will continue to render more and better qualitative services. The revamped lump-sum system ensures that, in compliance with the completion strategy, adequate resources are afforded the accused person at the most critical stage of the trial process. The new lump-sum system engenders effective budgeting.

77. The Immediate Office of the Registrar continues to provide consistent and effective judicial support services to the Chambers and the Office of the Prosecutor, undertaking continuous review of reforms already in place and carrying out a regular consultative process with the judges and the Prosecutor. The Tribunal's activities reached a further peak during the biennium 2010-2011 with an unprecedented number of trials running at the same time, which resulted in the completion of a greater number of cases. The support expected of the Registry to

conclude additional agreements with Member States and other institutions have also continued to increase. In addition to the first acquittal in 2001 and two subsequent acquittals in February 2004, there were two in 2006 and one in 2008.

78. The Division of Administrative Support Services supports the three organs of the Tribunal with administrative support, management of premises, human resources management and budgetary and financial aspects. The Division also provides support for information technologies, medical services, procurement, travel and transport, property control and management and security and safety for Tribunal personnel and property. In addition to supporting the Tribunal, the Division will also support operations of the International Residual Mechanism throughout the biennium 2012-2013. The management of staff separations is anticipated to be one of the main challenges the Division will face in the biennium 2012-2013. Thus, while resource requirements will be reducing in some areas, there will not be much reduction in areas dealing with asset control and disposal.

79. Cooperation and political support for the Tribunal by major stakeholders such as Governments and non-State entities have improved and systematic efforts to improve the image and visibility of the Tribunal through the effective dissemination of public information have borne fruit, with increased media coverage, organized visits to the headquarters of the Tribunal for briefing and familiarization, and for better understanding of the achievements and multifaceted challenges of the Tribunal. Cooperation between the Government of Rwanda, non-governmental organizations, civil society organizations and the Tribunal has been enhanced with the dispatch of more than 700 official notes verbales and correspondence that have been sent to Member States requesting their judicial assistance and cooperation in support of the Tribunal's ongoing trials. More meetings were held between the Tribunal and the external stakeholders and the Rwandan Government to address key issues concerning cooperation. VIPs, Government officials and other stakeholders, including the "Friends of the International Criminal Tribunal for Rwanda", frequently visit the Tribunal and are duly briefed on the work of the Tribunal as part of its completion strategy. Visitors and VIPs are familiarized with the Tribunal's operations, resources and facilities. The VIPs include Headquarters officials, heads of United Nations system agencies, diplomatic missions and national Governments and representatives from academia and civil society.

80. It should be noted that more Member States are facilitating the travel and protection of witnesses who come to testify before the Tribunal, and also facilitating investigations of defence counsel through identification of, access to, and meeting with defence witnesses.

81. At present, the Tribunal has signed agreements with eight States (including Rwanda) on the enforcement of sentences, with the recent signing of an agreement with Senegal. Eighteen convicts were successfully transferred to Benin (9) and Mali (9) during the biennium 2008-2009. Six more convicts will soon be transferred to another designated State for the enforcement of their sentences. Cooperation between the Registrar and a State has been successful in providing for a place of relocation for one acquitted person, and efforts continue to be made in order to find a host country for the other two acquitted persons who are remaining in Arusha.

82. The Tribunal has also continued in 2010-2011 its training workshops for Rwandan judges, prosecutors and court staff, including training sessions in international criminal law, adversarial criminal procedures and court information management.

83. The Judicial and Legal Services Division continues to provide: (a) direct judicial assistance to the Trial Chambers and the Appeals Chamber, such as, legal research, drafting and other judicial support; the preparation of the judicial calendar; the maintenance and scheduling of courtrooms; and the recording, maintenance and registration of records of judicial proceedings, transcripts, motions, orders, decisions, judgements and sentences; and (b) other court-related functions, including the provision and maintenance of the detention facilities; the development and maintenance of a list of defence counsel; the establishment and maintenance of a system to remunerate defence counsel; interpretation and translation services; assistance to prosecution and defence witnesses testifying before the Tribunal; and legal library services.

Table 8
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Tribunal: To ensure appropriate and successful implementation of the Tribunal's legal and administrative support activities in compliance with the regulations and rules of the United Nations and with a view to supporting the Tribunal's completion strategy

Expected accomplishments	Indicators of achievement
(a) Strengthened cooperation of Member States on enforcement of sentence matters	(a) Number of new memorandums of understanding concluded with Member States
	Performance measures
	2008-2009: none
	2010-2011 estimate: 1
	2012-2013 target: 1
(b) Increased public awareness of the work of the Tribunal	(b) Number of inquiries with respect to the work of the Tribunal
	Performance measures
	2008-2009: 5,000 inquiries
	2010-2011 estimate: 7,000 inquiries
	2012-2013 target: 5,000 inquiries
(c) Timeliness of proceedings	(c) Distribution of judicial documents within 24 hours
	Performance measures
	2008-2009: 24 hours
	2010-2011 estimate: 24 hours
	2012-2013 target: 24 hours

(d) Improved dissemination of judicial records to the parties and indirectly to the public through the Internet	(d) (i) All judicial records filed with the Registry are received, copied, digitized and distributed within a 24-hour period *Performance measures* 2008-2009: 24 hours 2010-2011 estimate: 24 hours 2012-2013 target: 24 hours (ii) All public judicial records are available through the Tribunal's website within a 24-hour period *Performance measures* 2008-2009: All judicial records received, filed, scanned and sent to the public within 24 hours 2010-2011 estimate: All judicial records received, filed, scanned and sent to the public within 24 hours 2012-2013 target: All judicial records received, filed, scanned and sent to the public within 24 hours
(e) Faster turnaround time for decisions and orders after the conclusion of pleadings	(e) Maximum deadline of five days after initial deliberations of the first draft *Performance measures* 2008-2009: 5 days 2010-2011 estimate: 5 days 2012-2013 target: 5 days
(f) Reform of the legal aid system	(f) Reduction in the number of cases for which payments are in excess of the established lump-sum system *Performance measures* 2008-2009: 87 per cent 2010-2011 estimate: 100 per cent 2012-2013 target: 100 per cent

External factors

84. The Registry is expected to meet its objectives and expected accomplishments on the assumption that: (a) Member States continue to cooperate in the arrest and transfer of indicted persons and in the provision of information; and (b) there are no delays in the proceedings for reasons beyond the control of the Tribunal, including illness of the accused or death of lead defence counsel, unforeseen disclosure of material, requests for replacement of defence counsel, review of cases already tried and the availability of witnesses to certify statements and provide testimony.

Outputs

85. During the biennium 2012-2013, the following outputs will be delivered:

(a) Management policy papers and directives, guidelines and instructions; annual/biennial and periodic reports; budget instructions/proposals and cost estimates; press releases, speeches, statements and briefings, and records of meetings; the provision of judicial support services to the Chambers and the Office of the Prosecutor;

(b) Judicial transcripts, motions, orders, decisions, judgements and sentences; assistance to prosecution and defence witnesses testifying before the Tribunal; research papers, judicial calendars, schedules of courtrooms usage; and other judicial records;

(c) Transfer of Tribunal cases to States for trial based on decision of the Chambers under rule 11 bis of the Rules of Procedure and Evidence;

(d) The relocation of acquitted persons as well as those who are convicted and served their sentence at the United Nations Detention Facility, in collaboration with the Office of Legal Affairs;

(e) Monitoring reports on the enforcement of sentences in countries that have signed agreements with the United Nations;

(f) Guidelines and records of the lump-sum system of payment to defence counsels;

(g) Brochures, pamphlets and posters;

(h) Records of visits by officials and delegations from Member States, institutions and other stakeholders interested in learning more about the work of the Tribunal;

(i) Various administrative records, reports and documents relating to human resources management, finance and budget management, asset management and logistics, building management services, health services, information and technology services, records and archives, language services, security and safety services and the movement of witnesses and victims;

(j) Internal human resources and financial policies and guidelines tailored to address the downsizing needs of the Tribunal.

Table 9
Resource requirements — Registry

Category	Resources (thousands of United States dollars) 2010-2011	Resources (thousands of United States dollars) 2012-2013 (before recosting)	Posts 2010-2011	Posts 2012-2013
Assessed budget				
Post	96 205.3	73 424.1	509	338
Non-post	71 380.3	30 347.1	—	—
Staff assessment	15 998.4	10 545.3	—	—
Subtotal	**183 584.0**	**114 316.5**	**—**	**—**
Extrabudgetary	748.5	—	—	—
Total	**184 332.5**	**114 316.5**	**509**	**338**

Table 10
Post requirements — Registry

Category	2010-2011 revised appropriation	Proposed changes: Abolitions January 2012	Proposed changes: Abolitions January 2013	Total 2012-2013
Professional and above				
ASG	1	—	—	1
D-1	2	—	—	2
P-5	11	—	(1)	10
P-4/3	119	(6)	(47)	66
P-2/1	33	(3)	(5)	25
Subtotal	**166**	**(9)**	**(53)**	**104**
General Service and other				
Principal level	6	—	—	6
Other level	89	(10)	(11)	68
Security Service	48	(7)	(3)	38
Local level	185	(25)	(48)	112
Field Service	15	(3)	(2)	10
Subtotal	**343**	**(45)**	**(64)**	**234**
Total	**509**	**(54)**	**(117)**	**338**

86. The provisions for posts and staff assessment in the amount of $73,424,100 and $10,545,300, respectively, would provide for the retention of 338 posts, as reflected in table 10 above. The net decrease of $28,234,300 ($22,781,200 for posts and $5,453,100 for staff assessment) is attributable to: (a) the abolition of 54 posts

(1 P-4, 5 P-3, 3 P-2, 10 General Service (Other level), 7 Security Service, 25 Local level and 3 Field Service) effective 1 January 2012; (b) 117 posts (1 P-5, 8 P-4, 39 P-3, 5 P-2, 11 General Service (Other level), 3 Security Service, 48 Local level and 2 Field Service) effective 1 January 2013; and (c) the removal of the first-year provision of the 42 posts abolished as of January 2011 during the biennium 2010-2011.

87. However, based on the trial schedule, functions related to 52 posts (1 P-4, 4 P-3, 2 P-2, 10 General Service (Other level), 7 Security Service, 25 Local level and 3 Field Service) would continue to be required through 30 June 2012. As indicated earlier, to ensure the Registry the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that all these posts be abolished as at 1 January 2012, as reflected in table 10 above, but their related funding be provided through general temporary assistance. This would enable them to maintain critical functions in supporting the trials through 30 June 2012.

88. Resources in the amount of $30,347,100, before recosting, for non-post requirements will provide for other personnel-related costs, consultants and expert witnesses for the defence, travel of staff and witnesses, defence counsel fees and other contractual services, general operating expenses, hospitality, supplies and materials, replacement of office and other equipment, improvement and maintenance of premises, and the Tribunal's share of United Nations field security and other joint administrative arrangements. The reduced requirement in the amount of $41,033,200 under non-post resources reflects the downsizing in the staffing complement of the Tribunal in line with reduced trial activity envisaged during the biennium 2012-2013.

D. Records management and archives

89. In June 2007, the representatives of the International Criminal Tribunal for Rwanda and the International Tribunal for the former Yugoslavia, together with the Archives and Records Management Section, the Office of Central Support Services, and the Office of Legal Affairs, met in The Hague in order to develop and implement a common, comprehensive and coordinated strategy and project plan for archives and records management across the two Tribunals. The archiving strategy outlines, inter alia, the appropriate preservation of the work of the Tribunal and the development and implementation of access standards for records which are disclosable.

90. Taking into account the findings and outcome of that meeting, the International Criminal Tribunal for Rwanda developed a four-year project plan and identified the resource requirements needed for the biennium 2008-2009 to ensure that all documents of the Tribunal are preserved as a full and compliant record of the unique activities of the Tribunal, and are available for access to all stakeholders, including the International Residual Mechanism and future users. In addition, in order to better support the archiving functions for the Tribunal, it was decided that all archiving-related functions from each organ of the Tribunal (i.e., Chambers, the Office of the Prosecutor and the Registry) would be consolidated into one centralized administrative unit responsible for overseeing the implementation of the archives strategy and day-to-day functions.

91. The resources required to implement the 2008-2009 activities designed to meet the project objectives were approved by the General Assembly in its resolution 62/229. The objectives of the Archives and Records Management project of the Tribunal are outlined in the report of the Secretary-General (A/62/468), and are summarized as follows:

(a) To ensure that all documentary evidence and research materials of the Office of the Prosecutor are preserved for judicial, historical and research purposes;

(b) To ensure that the administrative records of all sections of the Registry are digitized and preserved in accordance with their respective retention schedules;

(c) To ensure that all judicial records of the Tribunal are preserved and that all public records are accessible for research and educational purposes;

(d) To develop access, classification and retention policies for the substantive records of the Tribunal, and to ensure preservation of the material designated for long-term or permanent retention.

92. The Tribunal has been actively working towards the preparation of records for the closure of the Tribunal and the subsequent handover to the Mechanism, and has procedures in place aimed at ensuring the preservation and enhancing the accessibility of the records and archives of the Tribunal. This includes the routine functions of several offices of the Tribunal such as the Judicial Records and Archives Unit of the Court Management Section, the Information and Evidence Support Section of the Office of the Prosecutor, and the Archives and Registry Unit of the General Services Section.

93. In 2007, the Information and Evidence Support Section and the Court Management Section collaborated on the development of a separate budget proposal to address outstanding issues related to the preparation of the archives for the closure of the Tribunal. The archiving project has been included in the budget of the Tribunal for the past two bienniums, and the resources made available through the project have enabled these two sections to begin the tasks of preparing the judicial records and the records of the Office of the Prosecutor for the completion of the Tribunal's mandate. The archiving project budget has included provisions for the digitization and redaction of the audio-visual recordings of the trial proceedings and the sorting, arrangement, scanning and rehousing of the records of the Office of the Prosecutor.

94. In May 2010, the Registrar of the Tribunal established a Tribunal-wide archives and records management working group for the purposes of developing an overall picture of the records of the Tribunal, developing a coordinated approach to the management of those records, and facilitating the development of retention, classification and access policies by providing comprehensive feedback to stakeholders from the Tribunal, the International Tribunal for the former Yugoslavia, the Archives and Records Management Section and the Office of Legal Affairs.

95. Accomplishments achieved to date within the framework of the archives project and the working group include:

(a) By the end of 2011, all preservation-quality digital files will have been generated for all master audio-visual recordings of the trial proceedings of the Tribunal;

(b) By the end of 2011, 15 per cent of the audio-visual recordings will have been redacted;

(c) All paper-based judicial records have been digitized and are stored in a compliant electronic record-keeping system;

(d) By the end of 2011, 40 per cent of all original judicial records will have been verified against their corresponding electronic records;

(e) By the end of 2011, 40 per cent of all original judicial records will have been rehoused in archival materials;

(f) By the end of 2011, 40 cent of the archival records of the Office of the Prosecutor will have been processed and preserved;

(g) By the end of 2011, preliminary inventories will have been conducted for the records of all substantive offices of the Tribunal.

96. The implementation of the audio-visual project and the Office of the Prosecutor archiving project as well as establishment of the working group have led to a greater understanding of the scope of the work that remains to be completed to prepare the records and archives of the Tribunal for handover to the Mechanism.

97. The outputs for the archiving project for the biennium 2012-2013 include:

(a) 80 per cent of the judicial, substantive and administrative records of the Tribunal designated for permanent retention will be prepared for transfer to the Mechanism;

(b) All non-permanent records of the Tribunal will be disposed of in accordance with established procedures;

(c) The arrangement and rehousing of the archival records of different offices of the Tribunal will continue and be 85 per cent complete;

(d) All hard-copy judicial records filed will be verified against their corresponding electronic records in the TRIM records management database to ensure the accuracy and continued accessibility of those records;

(e) All non-current substantive and administrative records designated for long-term to permanent retention will have been appraised in terms of expected access requirements, and those records identified as vital or of high access value will be digitized in accordance with established procedures;

(f) All non-current records of the Tribunal will have been rehoused;

(g) All Office of the Prosecutor confidential material will be stored and maintained in such a way as to ensure their safety and the security of witnesses;

(h) The non-confidential records designated to be of high access value will be accessible to the public;

(i) A compliant records and archives management policy will be developed and implemented for the information created or received to be transferred to the Mechanism;

(j) Users will be able to access the records of the Tribunal.

98. The Tribunal never had a system in place to redact the audio-visual recordings of the trial proceedings in court and in real time. The need to redact the audio-visual recordings of the trial proceedings of the Tribunal was first identified in July 2003, when a plan was developed to implement a real-time redaction procedure in the courtrooms and to review the previously generated audio-visual material for the purpose of creating redacted versions of the audio-visual material generated between 1996 and 2003. In 2007, the joint archives strategy working group decided to investigate the feasibility of digitization as a preservation strategy for the audio-visual recordings of the Tribunals. As a result, both Tribunals jointly agreed to embark on a project to digitize the recordings. The feasibility study noted that, in addition to ensuring the long-term preservation of the records, digitization could also assist in enhancing the accessibility of the material through the generation of low-resolution browsing copies to be made accessible to the public, and the redaction of the material was incorporated into the Tribunal's audio-visual project. The Tribunal has broken new ground in this project: the use of digitization as an audio-visual preservation strategy has become feasible only in recent years, and no precedent has ever been set for the large-scale redaction of audio-visual recordings of legal proceedings.

99. Each audio-visual redaction team is comprised of three language experts. Each team is capable of reviewing up to 15 hours of trial proceedings per week, which includes the review of the records, the harmonization of the redactions made in each language version, the logging of redactions made, and the updating of the relevant TRIM records. In addition to redaction, staff members are required to verify the accuracy of the redaction marker lists and delete the sensitive information from the recording in order to produce a version of the audio-visual recording that can be made accessible to the public. In order to complete the redaction of the audio-visual recordings of the Tribunal, there will be a need for 10 redaction teams, comprised of 30 redactors and 5 video editors. One additional staff member will be required for the overall supervision of the redaction project.

100. By the time the Tribunal completes its mandate, it is estimated that 30,000 hours of audio-visual material will have been produced, and that 25,000 hours will require review for redaction purposes. By the end of December 2011, 3,500 hours of recordings will have been reviewed, leaving a total of 21,500 hours requiring review for redaction at the start of the biennium 2012-2013. It is estimated that the project will be completed in approximately three years.

Table 11
Resource requirements — records management and archives

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Non-post	6 828.9	11 916.7	—	—
Staff assessment	—	1 418.3	—	—
Total	**6 828.9**	**13 335.0**	—	—

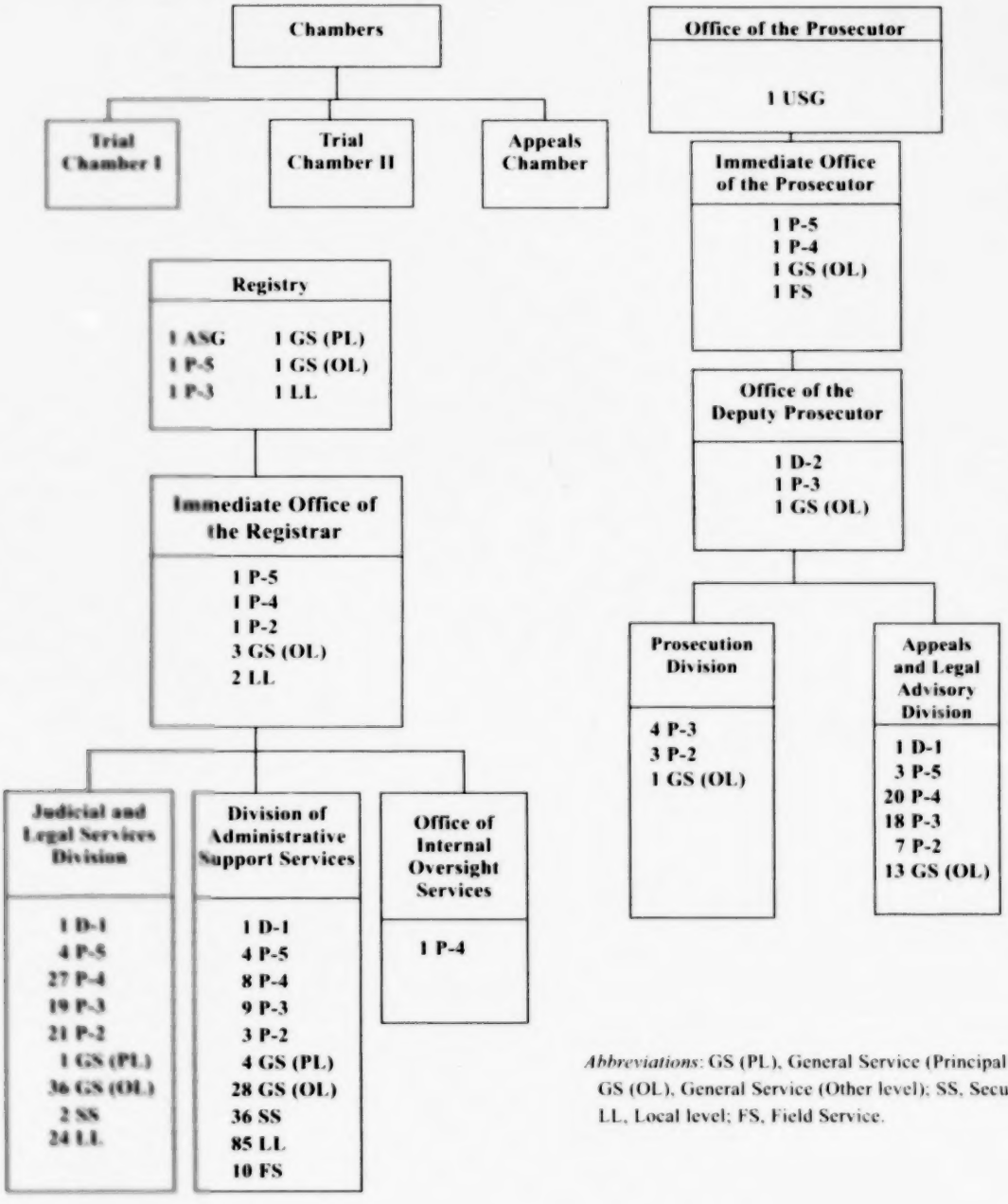
101. During the biennium 2012-2013, resources amounting to $11,916,700 are proposed for the continuation of the redaction of the audio-visual material and for the archiving of the records of the Office of the Prosecutor and the Judicial and Legal Services Division, as well as the digitization and archiving of the administrative records of the Division of Administrative Support Services under the Registry. These requirements would provide for: (a) general temporary assistance related to temporary staff that would be required for the continuation of the redaction of the audio-visual material and for the appraisal of the paper-based records of the Tribunal, and for the application of preservation and access enhancements measures to those records determined to be of long-term value; (b) consultancy services of one Web access specialist will be required to develop and implement a strategy to enhance the accessibility of the public records of the Tribunal by means of the Internet; (c) two archives and records management training sessions will also be conducted over the course of the biennium to ensure that all staff members possess the requisite skills and knowledge to undertake the appraisal, preservation and digitization of the records of the Tribunal; (d) travel to The Hague and New York for coordination activities required to ensure that the archives and records management policies of both Tribunals are harmonized, and that a common approach to the management of these records by the residual mechanism is adopted; (e) contractual services required for the transfer of the records of the Kigali office to Arusha; (f) purchase of the latest generation of archival data tape to migrate the digital records from the format currently in use, which will have become obsolete by 2013 and for archival supplies to rehouse the final archival records of the Tribunal; and (g) equipment required to perform minimum upgrades to the records repository space of the Tribunal and the purchase of the latest generation of digital storage media for the electronic records of the Tribunal.

Table 12
Summary of follow-up action taken to implement relevant recommendations of the Board of Auditors

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
The Board recommends that the Tribunal strictly adhere to the requirements of the Financial Regulations and Rules of the United Nations to ensure that obligations are supported by appropriate obligating documents (A/63/5/Add.11, chap. II, para. 22).	All obligations are supported by appropriate obligating documents.
Develop a financing plan in order to settle end-of-service liabilities relating to staff members at the time of the closure of its operations (ibid., para. 27).	The Tribunal fully agrees with this recommendation. The recommendation has been under consideration in coordination with United Nations Headquarters. A report on liabilities and proposed funding for after-service health insurance benefits (A/64/366) was submitted for consideration by the General Assembly. In its resolution 64/241, the Assembly requested the Secretary-General to report on the subject at its sixty-seventh session. Appropriate action will be taken on the basis of decisions made by the Assembly.

International Criminal Tribunal for Rwanda

Organizational structure and post distribution for the biennium 2012-2013



Abbreviations: GS (PL), General Service (Principal level); GS (OL), General Service (Other level); SS, Security Service; LL, Local level; FS, Field Service.